

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 89236

Ervin J Cervený
Joan West Cervený
803 Stoneleigh Road
Baltimore MD 21212

6603 York Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 23, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115; 35-2-404, failure to remove graffiti from the rear of the building on commercial property.

On March 3, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Tom Church, resident, representing the Engineering Company occupying the building and, Kim Wood, Baltimore County Code Enforcement Officer.

Testimony revealed that this is not the first instance of graffiti on this property. The inspector noted the correction notice issued on 2/22/11, a re-inspection with little change on 3/3/11, resulting in the citation to be issued, mailed and posted, and a pre-hearing inspection showing some change, but not a complete removal. The Respondent resident testified that they had tried several methods to remove the present as well as past graffiti. Each attempt was unsuccessful, as the graffiti is placed, in the instant case, on porous red brick which absorbs the color of the graffiti. They have tried commercial

power washing, and have been told that sandblasting (at a cost of \$1,400.00) could remove the color, but would also remove the coloration not the brick and leave a permanent mark on the wall, which does not face a busy street. Their efforts to remove or deal with it in some way, are continuing,

Upon the testimony and evidence presented at the hearing:

IT IS ORDERED that the \$1,000.00 civil penalty be RESCINDED and therefore this case be DISMISSED.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29th day of March 2011

Signed: ORIGINAL SIGNED
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

LMS/jaf